

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/773,420 02/09/2004		Oscar Davis Riddle III	3867.00	6583	
7590 03/27/2006			EXAMINER		
Stephen R. Greiner, Esquire GREINER LAW OFFICES, P.C.			ALEXANDER, REGINALD		
Suite 110	w Offices, P.C.	ART UNIT	PAPER NUMBER		
6701 Democrac		1761			
Bethesda, MD 20817			DATE MAILED: 03/27/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary		Applicati	Application No. Applicant(s)		<u> </u>	
		10/773,4	20	RIDDLE, OSCAR DAVIS		
		Examine	•	Art Unit		
		Reginald	L. Alexander	1761		
Period fo	The MAILING DATE of this communica r Reply	tion appears on the	cover sheet with	the correspondence ac	ddress	
A SHO WHIC - Exter after - If NO - Failui Any r	DRTENED STATUTORY PERIOD FOR HEVER IS LONGER, FROM THE MAIL is is ons of time may be available under the provisions of 3 SIX (6) MONTHS from the mailing date of this communic period for reply is specified above, the maximum statum to the toreply within the set or extended period for reply will, eply received by the Office later than three months after independent term adjustment. See 37 CFR 1.704(b).	LING DATE OF THE STATE OF THE S	HIS COMMUNICA ent, however, may a repl ill expire SIX (6) MONTH dication to become ABAN	ATION. ly be timely filed IS from the mailing date of this of NDONED (35 U.S.C. § 133).	,	
Status						
2a)	Responsive to communication(s) filed of This action is FINAL . 2b) Since this application is in condition for closed in accordance with the practice	☐ This action is nation allowance except	for formal matter	• •	e merits is	
Dispositi	on of Claims					
5)□ 6)⊠ 7)□ 8)□ Applicati 9)□	Claim(s) 1-14 is/are pending in the app 4a) Of the above claim(s) is/are v Claim(s) is/are allowed. Claim(s) 1-14 is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restrictio on Papers The specification is objected to by the E The drawing(s) filed on 09 February 200 Applicant may not request that any objectio Replacement drawing sheet(s) including the	withdrawn from con and/or election reconstruction reconstruction in and/or election reconstruction reconstruction in the drawing(s) is with the drawing(s) is some the drawing(s).	equirement. cepted or b) ob be held in abeyance	e. See 37 CFR 1.85(a).		
11) 🔲	The oath or declaration is objected to by	y the Examiner. No	ote the attached (Office Action or form P	TO-152.	
Priority u	nder 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
2) 🔲 Notica 3) 🔯 Inform	e of References Cited (PTO-892) of Draftsperson's Patent Drawing Review (PTO- nation Disclosure Statement(s) (PTO-1449 or PTO-1449)			Mail Date ormal Patent Application (PT	O-152)	

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Chase.

There is disclosed in Chase a support device comprising a metal plate (col. 1, lines 17-19) having a plurality of fingers (B, C, D, E) partially cut therefrom, the fingers being folded such that they extend upwardly from the metal plate and leaving a plurality of apertures (A) in the metal plate, the fingers being disposed about the metal plate such that they define a plurality of keepers.

In regards to the use of the device as a "poultry cooking device", such is intended use only and provides no structural limitations to the claims.

In regards to the keepers supporting a beverage container, applicant merely recites that they are "capable of" performing that function. There is no positive recitation of the beverage container being a part of the invention. It should also be noted that the keepers disclosed in Chase could support a container of appropriate size.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Application/Control Number: 10/773,420

Art Unit: 1761

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chase in view of Siegel et al.

Siegel discloses the use of longitudinal and lateral fins (sidewall 16) which extend angularly from a plate member and outwardly extending tabs (peripheral edge 14) that extend from the lateral fins.

It would have been obvious to one skilled in the art to provide the device of Chase with the sidewalls and peripheral edge disclosed in Siegal, so as to provide strength to the metal plate.

Claims 5, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chase in view of Braastad.

Braastad discloses triangular shaped fingers 18a-d and apertures 22 cut form a base member.

It would have been obvious to one skilled in the art to modify the fingers and apertures of Chase with that taught in Braastad, in order to provide better support for taller items.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chase in view of Braastad as applied to claim 5 above, and further in view of Seigel et al.

Seigel is disclosed in the rejection of claims 2 and 3 above.

It would have been obvious to one skilled in the art to provide the device of Chase, as modified by Braastad, with the sidewalls and peripheral edge disclosed in Siegal, so as to provide strength to the metal plate.

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chase in view of Alden et al.

Alden discloses longitudinal and lateral fins 42 and 52 respectively and tabs 36 extending from the lateral fins to form handles.

It would have been obvious to one skilled in the art to provide the device of Chase with the fins and tabs disclosed in Alden, in order to facilitate easier handling of the device.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Orec, Dudley, Hansen and Becker et al. are cited for their disclosure of the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald L. Alexander whose telephone number is 571-272-1395. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/773,420

Art Unit: 1761

Page 5

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

rla March 20, 2006 Reginald L. Alexander Primary Examiner Art Unit 1761